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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/559,391	04/26/2000	Shinichiro Omi	2000 0421A	1208

7590 01/20/2004  
Wenderoth Lind & Ponack LLP  
2033 K Street NW  
Suite 800  
Washington, DC 20006

EXAMINER

LEE, TIMOTHY L

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/559,391

Applicant(s)

OMI ET AL.

Examiner

Timothy Lee

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,13,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-11,14 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12, 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles et al. (US 5,231,634) in view of Elwalid et al. (US 6,353,616).
3. Regarding claims 1, 17, and 18, Giles et al. discloses an invention related to methods for transferring data between a source and a plurality of receiving data processing devices. The method includes a first step of transmitting from the first agent, a request-to-send message (said transmitting station transmits a reservation request packet for bandwidth reservation to said receiving station). The RTS is received at the second agent, which then sends a clear-to-send message back to the first agent when the channel is available, thus inherently reserving the resources for this communication between the first agent and the second agent (transmits a communication reservation packet for informing said transmitting station of the reserved bandwidth). The first agent then transmits information to the second agent on the reserved channel during the reserved time—inherently, the first agent has created data packets to be transferred over the reserved channel (creates data packets according to the generated data, and transmits the created data packet through the bandwidth). See generally col. 3, lines 3-23. Giles et al. also discloses that a duration for transmission is also sent, but Giles et al. does not expressly disclose where a valid period is stored at the receiver and where the receiver will

voluntarily and repeatedly send the reservation packet the transmitting station while the valid period is still valid. Elwalid et al. discloses a protocol where the exchange of resource reservation information among routers in the packet network which allows for periodic refresh messages requests, or update messages, to maintain state information. Refresh messages that are not sent or processed within the period cause the established packet flow to be terminated. See col. 2, lines 10-23. Thus, connections are maintained by periodic UPDATE messages generated by the destination. See at least col. 4, lines 25-44. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the teaching of sending UPDATE messages that are generated by the destination to keep the connection alive in the system of Giles et al.. One would have been motivated to do this because it allows the receiving party more control in changing the time period if factors in the system change and the receiver must cut short or is able to extend the time period that the transmitting station is allowed to send.

4. Regarding claim 12, Giles et al. discloses sending an ACK packet after the transmission of the data packet has occurred—the ACK can be thought of as a type of reservation packet. See col. 3, lines 51-56.

5. Regarding claims 13 and 15, as mentioned previously, Giles et al. discloses that the transmitting station will not transmit until it receives the clear-to-send signal from the receiving station—the clear-to-send message can also be considered a data packet.

***Allowable Subject Matter***

6. Claims 2-11, 14, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

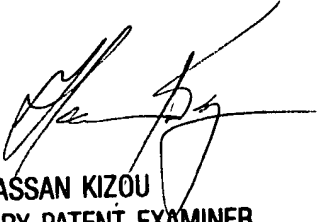
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703)305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

TLL  
Timothy Lee  
January 7, 2004

  
HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600